

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>PATRICK EDDINGTON,</b>	)	
1000 Massachusetts Avenue	)	
Washington, DC 20001	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No. 19-cv-2947</b>
	)	
<b>v.</b>	)	
	)	
<b>NATIONAL SECURITY AGENCY,</b>	)	
9800 Savage Road, Suite 6932	)	
Ft. George G. Meade, MD 20755	)	
	)	
<b>U.S. DEPARTMENT OF DEFENSE,</b>	)	
1155 Defense Pentagon	)	
Washington, DC 20301	)	
	)	
<b>Defendants.</b>	)	

**COMPLAINT**

1. Plaintiff, PATRICK EDDINGTON, files this Freedom of Information Act suit to force Defendants NATIONAL SECURITY AGENCY and U.S. DEPARTMENT OF DEFENSE, to produce records related to programs carried out under Uniting and Strengthening America by Fulfilling Rights And Ensuring Effective Discipline over Monitoring (USA FREEDOM) Act Of 2015, P.L. 114-23.

**PARTIES**

2. Plaintiff PATRICK EDDINGTON is a policy analyst and scholar at the Cato Institute and made the FOIA request at issue in this case.

3. Defendant NATIONAL SECUTIY AGENCY (“NSA”) is a federal intelligence agency subject to the Freedom of Information Act, 5 U.S.C. § 552, and a component of the DEPARTMENT OF DEFENSE.

4. Defendant DEPARTMENT OF DEFENSE (“DOD”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

#### **JURISDICTION AND VENUE**

5. This case is brought under 5 U.S.C. § 552(a)(6)(c)(i) and presents a federal question conferring jurisdiction on this Court.

6. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

#### **NSA’s FOIA VIOLATION**

7. On May 15, 2019, EDDINGTON submitted a FOIA request to NSA: “I request any documents regarding the Uniting And Strengthening America By Fulfilling Rights And Ensuring Effective Discipline Over Monitoring (USA FREEDOM) Act Of 2015, P.L. 114-23 generated by NSA, including but not limited to any correspondence regarding 1) internal or external reports on the efficacy of programs carried out under P.L. 114-23, including any solicited or unsolicited feedback from technical personnel, intelligence analysts, or others involved in the collection, acquisition, analysis, or dissemination of information derived from any program carried out under the aforementioned authority; 2) any correspondence dealing with the termination or initiation of programs conducted under P.L. 114-23; and 3) the results of any internal or external audits, including classified audits, of programs conducted under P.L. 114-23. The date range of this request is June 3, 2015 to the date of this request.” Exhibit A.

8. EDDINGTON also requested a fee waiver and expedited processing. Exhibit A.

9. On May 20, 2019, NSA acknowledged receipt of the request and assigned the following reference number: 106992. NSA also denied EDDINGTON’s request for expedited processing. Exhibit B.

10. On June 27, 2019, EDDINGTON appealed NSA's denial of expedited processing.

Exhibit C.

11. NSA has not acknowledged EDDINGTON's appeal and has not responded to the appeal.

12. As of the date of this filing, NSA has not issued a determination regarding the request and has produced no records responsive to the request.

#### **COUNT I – NSA'S VIOLATION OF FOIA**

13. The above paragraphs are incorporated herein.

14. Defendants are agencies subject to FOIA.

15. Plaintiff made a FOIA request to NSA on May 15, 2019.

16. Defendants have failed to produce the requested records.

**WHEREFORE**, Plaintiff asks the Court to:

- i. Order Defendants to conduct a reasonable search for records and to promptly produce all non-exempt requested records;
- ii. Award Plaintiff attorney fees and costs; and
- iii. Enter any other relief the Court deems appropriate.

Dated: October 1, 2019

Respectfully Submitted,  
/s/ Joshua Hart Burday

Attorneys for Plaintiff  
PATRICK EDDINGTON

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